

543-08/MEU

FREEHILL HOGAN & MAHAR, LLP

Attorneys for Petitioner

EITZEN BULK A/S.,

80 Pine Street

New York, NY 10005

(212) 425-1900 / (212) 425-1901

Michael E. Unger

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

EITZEN BULK A/S.,

10 CIV 7466



Petitioner,

- against-

STANDARD CHARTERED BANK, WELLS FARGO &
COMPANY, and JPMORGAN CHASE & CO.,
Respondents

**UNGER AFFIDAVIT IN
SUPPORT OF PETITION
FOR TURNOVER ORDER**

Michael E. Unger, being duly sworn, deposes and says as follows:

1. I am a member of the Bar and admitted to practice before this Court and I am a member of the law firm of Freehill Hogan & Mahar, LLP, attorneys for Petitioner herein.
2. This Affidavit is submitted in support of Petitioner EITZEN BULK A/S. ("EITZEN")'s application for a turnover Order pursuant to CPLR § 5225(b) and 5227 that Respondent banking institution, Respondents turn over such property of Judgment Debtor Ashapura Minchem Ltd. ("Ashapura"), as may be in its possession. Further that such property of Judgment Debtor Ashapura which is in its possession but not within the State of New York and the Jurisdiction of this Court, be Ordered brought into the State and this Court's jurisdiction.

3. Pursuant to CPLR 5224, the undersigned has a reasonable belief that Respondents named herein, served or shortly to be served with subpoena, have in their possession information about judgment debtor Ashapura that will assist EITZEN in collecting the judgment.

4. Petitioner Eitzen commenced an action in the Southern District of New York against non-party Ashapura for breach of a maritime contract. See Second Amended Verified Complaint attached hereto as Exhibit A.

5. The London Tribunal, by a Final Arbitration Award dated May 26, 2009 awarded EITZEN \$36,306,104.00 with interest at a rate of %3.75 plus an additional \$74,135.00 with interest at a rate of %3.74. See Exhibit B, Final Arbitration Award dated May 26, 2009.

6. The United States District Court for the Southern District of New York in the above captioned matter entered a Judgment on July 24, 2009 in favor of Plaintiff EITZEN BULK A/S (“EITZEN”), attached hereto as Exhibit C.

7. The District Court therefore entered Judgment in favor of Plaintiff EITZEN in the amount of \$36,606,769.74, plus costs in the amount of \$250.00, and plus interest at the rate of 5% from the date of entry until the Judgment is satisfied. See Ex. C at 2-3.

8. The amount remaining unpaid, as stated in the District Court’s Judgment of July 24, 2009, is \$36,606,769.74, plus costs of \$250.00 and interest at a rate of 5% per annum from July 24, 2009 until the judgment is satisfied.

9. Enforcement of the District Court’s Judgment in this matter has not been stayed.

10. The last known address of the judgment debtor was Jeevan, Udyog Building, 3rd Floor, 278, D.N. Road, Fort, Mumbai - 400 001, India.

11. Petitioner EITZEN respectfully requests that the Court issue a turnover Order directing the Respondent to turn over such property of the Judgment Debtor Ashapura as is within

their possession and that such property within their possession but outside the State of New York
be brought into the State and this Court's jurisdiction.



MICHAEL E. UNGER

Sworn to before me this
29th day of September, 2010



Hazel S. Rosenthal
Notary Public

HAZEL S. ROSENTHAL
Notary Public, State of New York
No. 01RO4641178
Qualified in Queens County
Certified in New York County
Commission Expires Dec. 31, 2010

EXHIBIT A

b6
b7c
b7d

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'O:The Honorable Alvin K. Hellerstein COMPANY:

543-08/MEU/EJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EITZEN BULK A/S,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/24/09

Plaintiff,

08 cv 8319 (AKH)

-against-

JUDGMENTASHAPURA MINCHEM LTD. *et. al.*,

Defendants.

WHEREAS, Plaintiff commenced this action on September 25, 2008, by the filing of a Summons and Verified Complaint, seeking to obtain security for its claims against Defendants arising out of a maritime contract and filed an Amended Verified Complaint on October 1, 2008; and a Second Amended Complaint on May 15, 2009; and

WHEREAS, pursuant to Supplemental Admiralty Rule B this Court executed a Second Amended Order directing the Clerk of the Court to issue a Second Amended Process of Maritime Attachment and Garnishment ("PMAG") against all tangible or intangible property belonging to, claimed by or being held for Defendants by various garnishee banks within the District up to and including the sum of \$39,208,936.16; and

WHEREAS, it has been reported to the Court that pursuant to the PMAG property of Defendant ASHAPURA has been restrained by various garnishee banks in the following amounts:

<u>DATE</u>	<u>AMOUNT (US\$)</u>	<u>BANK</u>
10/10/2008	5,661.28	BNP Paribas Bank
10/15/2008	173,000.00	Bank of New York
10/16/2008	47,500.00	HSBC Bank
11/4/2008	924,957.67	Bank of India

NYDOCS1/333938.1

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'O:The Honorable Alvin K. Hellerstein COMPANY:

11/14/2008	493,448.37	ABN Amro Bank (€ 385,223.01)
1/12/2009	5,810.00	HSBC Bank
2/12/2009	26,000.00	Citibank
2/19/2009	84,720.00	HSBC Bank
10/22/2008	10,250.00	Citibank
10/23/2009	3,000.00	Citibank
3/20/009	3,090.00	Bank of New York
3/20/009	3,090.00	Bank of New York
3/20/009	3,090.00	Bank of New York

Total \$1,783,617.32

; and

WHEREAS, in accordance with Supplemental Admiralty Rule B(2) and Local Civil Rule B.2, Plaintiff has notified Defendants of the attachments and the pendency of this action; and

WHEREAS, on June 19, 2009 Plaintiff served Defendant ASHAPURA MINECHEM LTD. by hand at its office at Jeevan Udyog Building, 3rd Floor, 278 Dr. D.N. Road, Fort Mumbai, India 400001 with a copy of the Summons dated September 26, 2008, and the Second Amended Verified Complaint dated April 24, 2009 by serving Mr. Divesh Trivedi who identified himself as a legal assistant in the employment of Defendant ASHAPURA MINECHEM LTD. and accepted service thereof; and

WHEREAS, Defendants are aware of this action; and

WHEREAS, Defendants have not answered, appeared or otherwise moved with respect to the instant action or the funds under attachment, and the time for doing so having expired; and

WHEREAS, this Court has both personal jurisdiction and *quasi in rem* jurisdiction over the funds under attachment in the presently known amount of \$1,783,617.32; and

WHEREAS, there is no just reason for delay,

NOW, upon application of Plaintiff,

IT IS ORDERED, ADJUDGED and DECREED that Judgment be entered against Defendant ASHAPURA MINECHEM LTD. and in favor of Plaintiff EITZEN BULK A/S in the

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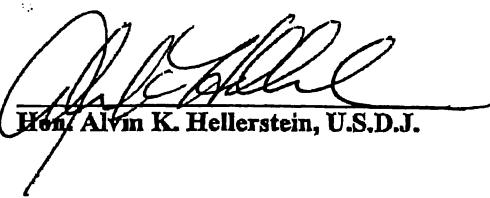
'O:The Honorable Alvin K. Hellerstein COMPANY:

amount of Thirty-Six Million, Six Hundred Six Thousand, Seven Hundred Sixty-Nine Dollars Seventy-Four Cents (\$36,606,769.74), plus costs in the amount of two hundred fifty dollars (\$250.00), plus interest at the rate of 5% per annum from the date of entry of this Judgment until paid; and

IT IS FURTHER ORDERED, ADJUDGED and DECREED that since funds of the Defendant have already been restrained pursuant to the prior Order of this Court, in keeping with Rule 69(a) there is no need for Plaintiff to serve a writ of execution on the garnishee banks holding such funds in order to execute upon such restraint property. Accordingly, ten (10) business days after entry of Judgment in this matter, any garnishee bank holding property of Defendant ASHAPURA MINECHEM LTD., upon receipt of a copy of this Judgment, is directed to release the full amount of any such funds, including any after-required property and/or interest earned on such funds (if any) to Plaintiff's counsel or at Plaintiff's counsel's direction forthwith up to the full amount of the judgment and such funds to be turned over shall not be restrained in connection with any other action against Defendants.

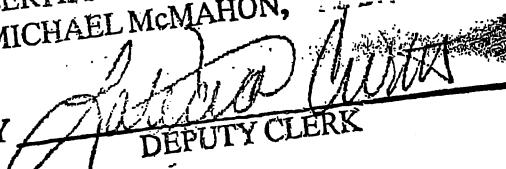
ENTERED:

Dated: New York, New York
July 24 2009



Hon. Alvin K. Hellerstein, U.S.D.J.

A CERTIFIED COPY
J. MICHAEL McMAHON,
CLERK

BY 
DEPUTY CLERK

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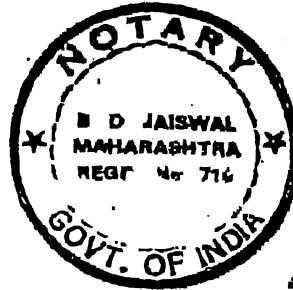
'O:The Honorable Alvin K. Hellerstein COMPANY:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NUMBER 08 CV 8319

EITZEN BULK A/S

V.

ASHAPURA MINECHEM LTD.



AFFIDAVIT OF SERVICE OF MR. RAVI B. SONAWANE

I, Ravi B. Sonawane, adult Indian inhabitant, residing at 85/789, Ramabai Nagar, Eastern Express Highway Road, Ghatkopar (East), Mumbai – 400 075, do hereby solemnly affirm and say as follows:

1. I say that I am employed as an Office Clerk in Prashant S. Pratap Law Office.
2. I say that I was instructed by Mr. Prashant S. Pratap, Advocate, to effect service upon Ashapura Minechem Ltd., of the Summons dated September 26, 2008 and Second Amended Verified Complaint dated 24th April 2009 in the above referenced matter together with a letter dated 19th June 2009 addressed by Mr. Prashant S. Pratap to Ashapura Minechem Ltd.
3. I say that pursuant to the aforesaid instructions, I effected service of the aforesaid documents on Ashapura Minechem Ltd., on 19th June 2009 at 12:30 hours IST at their office at Jeevan Udyog Building, 3rd Floor, 278, Dr. D. N. Road, Fort, Mumbai – 400 001. At the office of Ashapura Minechem Ltd., Mr. Divesh Trivedi, who identified himself as a Legal Assistant in the employment of Ashapura Minechem Ltd., accepted service of the documents and the letter dated 19th June 2009 on behalf of Ashapura Minechem Ltd. Mr. Divesh Trivedi would be considered to be competent and authorized to accept service. However, Mr. Divesh Trivedi refused to provide an acknowledgement stamp or signature

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'O:The Honorable Alvin K. Hellerstein COMPANY:

2



on a copy of the letter dated 19th June 2009, when asked to do so. Annexed and marked as Exhibit 'A' is a copy of the letter dated 19th June 2009 from Mr. Prashant S. Pratap to Ashapura Minechem Ltd. enclosing the aforesaid documents.

4. Accordingly, I say that the Summons and Second Amended Verified Complaint and the letter dated 19th June 2009 from Mr. Prashant S. Pratap to Ashapura Minechem Ltd. were duly served upon Ashapura Minechem Ltd. on 19th June 2009 at their office in Mumbai.

Solemnly affirmed at Mumbai
this 23 day of June 2009

RAVI B. SONAWANE

BEFORE ME

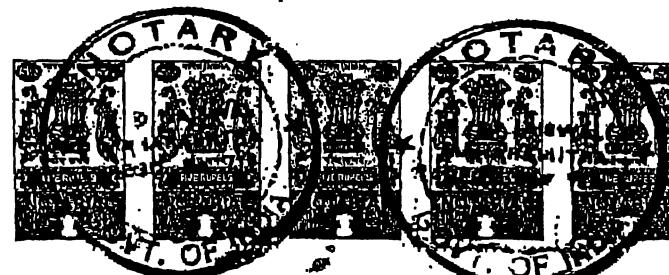
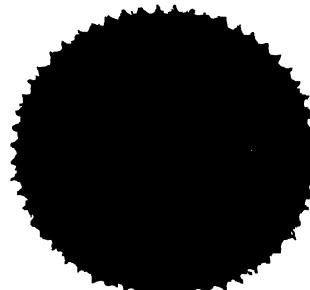
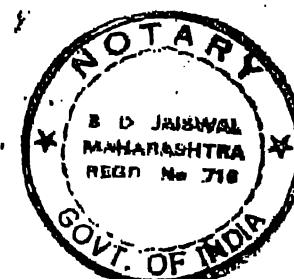
B. D. JAISWAL

B.A. (SPL) DBM.LLB
ADVOCATE HIGH COURT &
NOTARY GOVT. OF INDIA
21 SAI LEELA KAILASH NAGAR,
DOMBIVLI (W) 421 202.
DIST THANE MAHARASHTRA

This document is noted at
Sr No 1327/03/06/2009
Notarial Register

I identified by me

Manoj R. KHATRI
ADVOCATE HIGH COURT
LEVEL 15, MAKER CHAMBERS III,
NARIMAN POINT,
BOMBAY-400 021.



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To: The Honorable Alvin K. Hellerstein COMPANY:

EXHIBIT A

**PRASHANT S. PRATAP
LAW OFFICE**

#151, Malabar Chambers III,
Nariman Point, Mumbai - 400 021.
Tel : +91 22 66695669
Fax : +91 22 66695699
e-mail : pplawoffice.com

OF INDIA

PH 23/06/09

Prashant S. Pratap
Manoj Khatri
Harsh Pratap
Advocates

19th June 2009

Ashapura Minechem Ltd.,
Jeevan Udyog Building, 3rd floor
278 Dr. D N Road
Fort, Mumbai 400 001

Dear Sirs

Re: United States District Court
Southern District of New York
Case Number: 08 CV 8319
Elzen Bulk A/S
V
Ashapura Minechem Ltd.

We are instructed by Freehill, Hogan & Maher, LLP, Attorneys for Elzen Bulk A/S, to serve upon you the enclosed Summons and Second Amended Verified Complaint in the above referenced matter.

Kindly acknowledge receipt.

Yours sincerely


PRASHANT S. PRATAP

Encl: Summons and Verified Complaint

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TO: The Honorable Alvin K. Hellerstein COMPANY:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CASE NUMBER 08 CV 8319



EITZEN BULK A/S

PLAINTIFF

V.

ASHAPURA MINECHEM LTD. ET AL

DEFENDANTS

AFFIDAVIT OF SERVICE OF MR. RAVI B. SONAWANE

I, Ravi B. Sonawane, adult Indian inhabitant, residing at 85/789, Ramabai Nagar, Eastern Express Highway Road, Ghatkopar (East), Mumbai – 400 075, do hereby solemnly affirm and say as follows:

1. I say that I am employed as an Office Clerk in Prashant S. Pratap Law Office.
2. I say that I was instructed by Mr. Prashant S. Pratap, Advocate, to effect service upon Ashapura Minechem Ltd., of the Notice of Motion dated 24th June 2009 in the above matter and the Memorandum of Law in support of the application filed by Eitzen Bulk A/S to recognize and confirm the foreign arbitral award and the foreign costs orders and in support of the application for an immediate turnover of funds under restraint, together with a letter dated 2nd July 2009 addressed by Mr. Prashant S. Pratap to Ashapura Minechem Ltd.
3. I say that pursuant to the aforesaid instructions, I effected service of the aforesaid documents on Ashapura Minechem Ltd., on 2nd July 2009 at 1515 hours IST at their office at Jeevan Udyog Building, 3rd Floor, 278, Dr. D. N. Road, Fort, Mumbai – 400 001. At the office of Ashapura Minechem Ltd., Mr. Divesh Trivedi, who identified himself as a Legal Assistant in the employment of Ashapura Minechem Ltd., accepted service of the documents and the letter dated 2nd July 2009 on behalf of Ashapura Minechem Ltd. Mr. Divesh Trivedi

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'O: The Honorable Alvin K. Hellerstein COMPANY:

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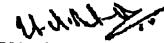
would be considered to be competent and authorized to accept service. However, Mr. Divesh Trivedi refused to provide an acknowledgement stamp or signature on a copy of the letter dated 2nd July 2009, when asked to do so. Annexed and marked as Exhibit 'A' is a copy of the letter dated 2nd July 2009 from Mr. Prashant S. Pratap to Ashapura Minechem Ltd. enclosing the aforesaid documents.

4. Accordingly, I say that the Notice of Motion dated 24th June 2009 and the Memorandum of Law stated above and the letter dated 2nd July 2009 from Mr. Prashant S. Pratap to Ashapura Minechem Ltd. were duly served upon Ashapura Minechem Ltd. on 2nd July 2009 at their office in Mumbai.

Solemnly affirmed at Mumbai)
this 3 day of July 2009)


RAVI B. SONAWANE

I declare by me,

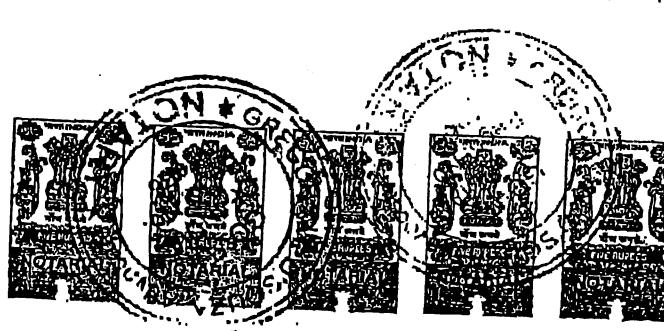


HARSH G. PRATAP
LLM (U.K.)
Shipping & International Trade Lawyer,
151, Muker Chambers III,
Harbour Point,
Mumbai - 400 021.

BEFORE ME

GREGORY W. D'SOUZA
ADVOCATE & NOTARY
Kalpak Estate, Bldg. No. B-11,
Shop No. 40, Antop Hill,
MUMBAI - 400 037.

31/7/09



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To: The Honorable Alvin K. Hellerstein COMPANY:

EXHIBIT A

7/17/09
3

PRASHANT S. PRATAP
LAW OFFICE

#151, Maher Chambers III,
Nariman Point, Mumbai - 400 021.
Tel : +91 22 66695699
Fax : +91 22 66695699
e-mail : ppr@pplawoffice.com

July 2009



Prashant S. Pratap
Manoj Khatri
Harsh Pratap

Advocates

Ashapura Minechem Ltd.,
Jeevan Udyog Building, 3rd Floor,
278, Dr. D. N. Road,
Fort,
Mumbai - 400 001

By Hand

Dear Sirs,

Re: United States District Court,
Southern District of New York,
Case Number: 08 CV 8319

Eitzen Bulk A/S .. Plaintiff
Versus
Ashapura Minechem Ltd. et al .. Defendants

We are instructed by Freehill, Hogan & Maher LLP, Attorneys for Eitzen Bulk A/S, to serve upon you the enclosed Notice of Motion dated 24th June 2009 in the above matter and the Memorandum of Law in support of the application filed by Eitzen Bulk A/S to recognise and confirm the foreign arbitral award and the foreign costs orders and in support of the application for an immediate turnover of funds under restraint.

Kindly acknowledge receipt.

Yours sincerely,

PRASHANT S. PRATAP

Encl: As above

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

Date:

In Re:

-v-

Case #: ()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-----X-----

NOTICE OF APPEAL

-V-

civ. ()

-----X-----

Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____ () _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

FORM 1

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-----X-----

MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL

-V-

civ. ()

-----X-----

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____ () _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

FORM 2

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-----X-----

-V-

NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME

civ. ()

-----X-----

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time

_____ respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____.
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____ () _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

FORM 3

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

-----X-----

AFFIRMATION OF SERVICE

-V-

civ. ()

-----X-----

I, _____, declare under penalty of perjury that I have served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

_____ (Signature)

_____ (Address)

_____ (City, State and Zip Code)

APPEAL FORMS

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EITZEN BULK A/S,

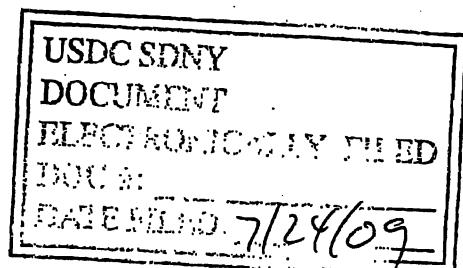
Plaintiff,

-against-

ASHAPURA MINECHEM LTD., et al.,

Defendants.

ALVIN K. HELLERSTEIN, U.S.D.J.:



ORDER

08 Civ. 8319 (AKH)

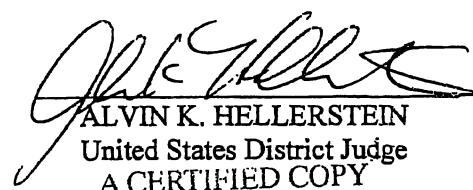
On July 14, 2009, I granted Plaintiff's motion to recognize and confirm an English arbitral award and related cost orders against Defendant Ashapura Minechem Ltd., and ordered Plaintiff to submit a proposed judgment. By letters dated July 16, 2009 and July 20, 2009, Defendant contends that entry of judgment is inappropriate because it has not been served with process in this case in accordance with the Hague Convention, and because it has filed an application to set aside the arbitral award in an Indian court, which has scheduled a hearing.

I find Defendant's objections to entry of judgment to be without merit. Plaintiff has offered proof of service in a manner consistent with Adm. Supp. R. B(2), Fed. R. Civ. P. The affidavits of Ravi B. Sonawane establish proof of personal service, at Defendant's offices in Mumbai, of the summons, complaint, and notice of motion. Rule B(2) expressly states that such proof is sufficient, and this manner of service is authorized by Fed. R. Civ. P. B(2)(a); see Fed. R. Civ. P. 4. The Indian court hearing Defendant's suit has entered no order with respect to the enforceability of the award, and entry of judgment is appropriate pursuant to 9 U.S.C. § 207.

Accordingly, by separate order, I grant judgment to Plaintiff on its claims, plus costs and interest as specified in that order.

SO ORDERED.

Dated: July 24, 2009
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge
A CERTIFIED COPY
J. MICHAEL McMAHON,

CLERK



EXHIBIT C

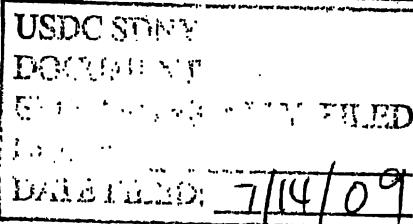
543-08/MEU/EJM

FREEHILL HOGAN & MAHAR LLP
Attorneys for Plaintiff
EITZEN BULK A/S
80 Pine Street
New York, NY 10005
(212) 425-1900
(212) 425-1901 fax
Michael E. Unger (MU 0045)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EITZEN BULK A/S,

Plaintiff,



08 CV 8319 (AKH)

NOTICE OF MOTION

*Motion granted,
on the merits and
without costs.
Submit judgment
by 7/20/09.
7-14-09*

ASHAPURA MINECHEM LTD.; ASHAPURA GROUP OF INDUSTRIES; ASHAPURA SHIPPING LIMITED; ASHAPURA INTERNATIONAL LIMITED; BOMBAY MINERALS LTD.; ASHAPURA CLAYTECH LTD.; ASHAPURA ALUMINIUM LTD.; EAGLE FUEL PVT. LTD.; PRASHANSHA CERAMICS LTD.; PENINSULA PROPERTY DEVELOPERS PRIVATE LTD.; SHARDA CONSULTANCY PRIVATE LTD.; ASHAPURA CONSULTANCY SERVICE PRIVATE LTD.; ASHAPURA MINECHEM UAE (FZE); ASHAPURA HOLDINGS UAE (FZE); ASHAPURA MARITIME FZE; ASHAPURA SHIPPING (UAE) FZE; ASHAPURA SHIPPING UAE; ASHAPURA FINANCE LTD.; ASHAPURA INFIN PVT LTD; ASHA PRESTIGE CO.; ASHAPURA VOLCLAY LTD.; ASHAPURA VOLCLAY CHEMICALS PRIVATE LTD.; ASHAPURA AL-ZAWAII MINERALS, LLC.; SHANTILAL MULTIPORT INFRASTRUCTURE PRIVATE LTD.; ASHAPURA ARCADIA LOGISTIC PRIVATE LIMITED; ASHAPURA CHINA; ASHAPURA CHINA CLAY COMPANY; MANICO MINERALS INTERNATIONAL, and ASHAPURA AMCOL

Defendant.

SIRS:

PLEASE TAKE NOTICE that upon the annexed Affirmation of Michael E.

Unger dated June 24, 2009 and the exhibits annexed thereto, the Declaration of Clare

Fenella Tookey dated June 24, 2009 and the exhibits annexed thereto, the Declaration of Klaus Munk Andersen dated June 16, 2009 and the exhibits annexed thereto, the Memorandum of Law in Support and the pleadings and proceedings previously filed herein, Plaintiff EITZEN BULK A/S will move this Court before the Honorable Alvin K. Hellerstein in Courtroom 14D of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, on August 6, 2009 at 9:30 a.m., or as soon thereafter as counsel may be heard, for the entry of a Judgment Recognizing and Confirming a Foreign Arbitral Award dated May 26, 2009 and two foreign Cost Orders dated December 22, 2008 and March 5, 2009 rendered by the English Commercial Court against Defendant ASHAPURA MINECHEM LTD. et al., and for such other and further relief as the Court may determine is appropriate in the circumstances.

PLEASE TAKE FURTHER NOTICE that opposing papers, if any, must be served so as to be received by Plaintiff's counsel no later than 5:00 p.m. on July 16, 2009 and that reply papers, if any, must be served so as to be received by Defendant or Defendant's counsel by 5:00 p.m. on July 30, 2009. A hearing, if deemed necessary, will be scheduled by the Court.

Dated: New York, New York
June 24, 2009

FREEHILL HOGAN & MAHAR, LLP

Attorneys for Plaintiff

By:


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